

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HACHETTE BOOK GROUP, INC.,
HARPERCOLLINS PUBLISHERS LLC,
JOHN WILEY & SONS, INC., and
PENGUIN RANDOM HOUSE LLC

Plaintiffs,

v.

INTERNET ARCHIVE and DOES 1 through
5, inclusive

Defendants.

Case No. 1:20-CV-04160-JGK

DECLARATION OF DANIEL SMITH

I, Daniel Smith, declare as follows:

1. I am a student at the University of Cambridge in Cambridge, United Kingdom, where I am due to graduate with a Ph.D. in Political Science in 2022. On March 18, 2022, I successfully defended my doctoral dissertation. In 2017, I received a Master of Arts degree in Political Science with distinction from the University of Essex in Colchester, United Kingdom. I graduated *cum laude* with a Bachelor of Arts degree in History from Stony Brook University in Stony Brook, New York in 2015.

2. As a student, I spent the period from 2017 to 2022 researching and writing my dissertation. My dissertation—titled “‘*The False Song of Globalism*’: Anti-Globalist Politics and Ideology in the United States from 1945 to 2000”—examines the history of right-wing anti-globalist populism in the United States. In writing my dissertation, I relied on a variety of books, articles, and primary source materials.

3. Before the COVID-19 pandemic, many of the materials I relied on were available through the University of Cambridge’s extensive library collection, which made both physical books and electronic books available. Though I relied on a number of electronic sources for my dissertation, I enjoy being in libraries and browsing the stacks and I prefer to use physical books for my research.

4. However, in March 2020, I left the United Kingdom to return to the United States due to the COVID-19 pandemic to be closer to my family. The University Library shut down and I would have been unable to utilize the Cambridge University Library’s physical holdings if I had stayed in Cambridge. Suddenly, a critical resource I had depended upon to research and write my dissertation was not available. On top of my academic stresses, I caught COVID-19 in April 2020 and many people I knew became sick.

5. Because of the lack of access to the books and materials I needed to complete my

thesis, I turned to the Internet Archive. The Internet Archive had a large collection of both primary sources and books relevant to my research. I had first become aware of the Internet Archive several years before the onset of the COVID-19 pandemic, in part because of its collection of primary source documents that were relevant to my area of research into 20th century right-wing movements. As just one example, the Internet Archive hosts a large collection of historic FBI field notes and files—retrieved through Freedom of Information Act requests by an independent scholar named Ernie Lazar—about various right-wing intellectuals, activists, and organizations. I don't know of any other resources that provide access to so many important and rare documents—as well as books, audio, video, and other media—all in one place. Without the Internet Archive's collections, I would have had to travel to physical archives around the country and sift through many old boxes to find the primary historical materials that I used in my thesis, which would have been extremely costly and time consuming.

6. The Internet Archive also offered books through its lending library that I could not otherwise access through Cambridge during the pandemic because university's library buildings were closed. In April 2020, I signed up for a free Internet Archive account so I could borrow those books for my research. These books were primary or secondary sources related to right-wing ideologies and groups. In short, because of the Internet Archive, I had ready access to dozens of books I needed for my dissertation that I otherwise would not have had access to. Without the Internet Archive during this stressful time, I would not have been able to finish my dissertation on time, and likely would have needed to extend my Ph.D. by a year or two.

7. A useful aspect of the Internet Archive's collection of both books and primary sources is that I was able to read and confirm information or quotations easily. As part of my research process, I usually did not have to read an entire book—just a chapter or a particular

passage. The Internet Archive's resources made that research process easy and efficient.

8. Without the variety of resources available through the Internet Archive's collections, my dissertation would not have been the same—it would have been worse. I am immensely grateful to the Internet Archive for providing these resources, especially during the COVID-19 pandemic. I firmly believe the Internet Archive is providing an important public service for students and researchers like me.

9. Though I have not yet decided what to do with my Ph.D. dissertation, I am open to the idea of uploading it to the Internet Archive for others to read.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on 5/23/2022 in Miami, Florida.

DocuSigned by:

Daniel Smith

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DANIEL SMITH

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2022 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Joseph C. Gratz
JOSEPH C. GRATZ